

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Mark Pinella

Docket No. 5:10-CR-151-1FL

Petition for Action on Supervised Release

COMES NOW Maurice J. Foy, Senior U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Mark Pinella, who, upon an earlier plea of guilty to Aggravated Identity Fraud and Possession of a Firearm By a Felon, 18 U.S.C. §§ 1028A(a)(1); 922(g)(1); and 924, was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge on December 15, 2010, to the custody of the Bureau of Prisons for a term of 50 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Mark Pinella was released from custody on January 21, 2014, at which time the term of supervised release commenced.

On March 3, 2014, a Petition for Modification of the Judgement and Commitment Order was signed by the court modifying the defendants Conditions of Supervised Release.

On January 23, 2015, the court was notified that the defendant was charged in Wake County, North Carolina with Defrauding an Inn Keeper and Intoxicated and Disruptive. The probation office recommended that this case be allowed to resolve itself in state court with no further action. The court concurred.

On May 11, 2015, the defendant was charged in Wake County, North Carolina with Driving While Intoxicated and Driving While License Revoked. The probation office recommended that he be referred for a substance abuse assessment. The court concurred.

On June 4, 2015, the court was notified that the defendant tested positive for marijuana on May 18, 2015. The probation office recommended that he be placed back in the Surprise Urinalysis Program (SUP) and afforded the opportunity to participate in substance abuse treatment. The court concurred.

On October 8, 2015, the court was notified that the defendant tested positive for THC on September 11, 2015. The probation office recommended that he be allowed to continue participating in substance abuse treatment, the Surprise Urinalysis Program (SUP), mental health treatment, and 20 hours of community service. The court concurred.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On November 4, 2015, the defendant was charged in Wake County, North Carolina with Driving While License Revoked. The defendant is due back in state court on January 27, 2016. To address this non-compliance, the probation office is recommending that he complete up to 90 days of home detention and not to operate another motor vehicle until properly licensed. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

Mark Pinella
Docket No. 5:10-CR-151-1FL
Petition For Action
Page 2

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 90 consecutive days. The defendant shall be restricted to residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.
2. The defendant shall not operate a motor vehicle on the highways of the State of North Carolina until his/her privilege to do so is restored in accordance with law.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Maurice J. Foy
Maurice J. Foy
Sr. U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8678
Executed On: November 16, 2015

ORDER OF THE COURT

Considered and ordered this 17th day of November, 2015 and ordered filed and made a part of the records in the above case.

Louise W. Flanagan
Louise W. Flanagan
U.S. District Judge